

ATTACHMENT 1:

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND DETERMINATION OF NEPA ADEQUACY (DNA)

NOVEMBER, 2006 O&G LEASE SALE

U.S. Department of the Interior

Utah Bureau of Land Management

This Worksheet is to be completed consistent with the "Guidelines for using the DNA Worksheet," located at the end of the worksheet. The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision. However, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

A. BLM Office: Moab Field Office (UT-060)

Proposed Action Title/Type: Parcels offered for the November, 2006 Oil & Gas Lease Sale

Location of Proposed Action: Various land parcels within Grand and San Juan Counties. Attachment 2 contains a legal description for each parcel to be offered.

Description of the Proposed Action: The Bureau of Land Management, Utah State Office, proposes to offer 19 parcels of public land in Grand and San Juan Counties for oil and gas leasing in a competitive lease sale to be held in November, 2006. This DNA addresses those parcels administered by the Moab Field Office. Attachment 2 lists all parcels recommended for leasing and includes special lease stipulations. The leases will be offered as Oil and Gas Category 1, open for leasing with standard stipulations, and Category 2, open for leasing with special stipulations. If any of the parcels are not taken by competitive bidding, then they may be taken by a non-competitive sale for two years after the competitive offer. A lease may be held for 10 years, after which the lease would expire unless oil or gas is produced in paying quantities. A producing lease would be held indefinitely by paying production.

A lessee's right to explore and drill for oil and gas, at some location on Category 1 and 2 leases, is implied by issuance of the lease. A lessee must submit an application for permit to drill (APD) to the BLM for approval including NEPA analysis. A lessee must possess a BLM approved APD prior to drilling. Following BLM's approval of an APD, a lessee may produce oil and gas from the approved well.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

	Oil and Gas Environmental Analysis Record	Date Approved: 1976
	Oil and Gas Leasing Category Revision	Date Approved: September, 1982
LUP Name:*	Grand Resource Area RMP (Moab)	Date Approved: July, 1985
Other document:**	Oil & Gas Supplemental EA UT-060-89-025	Date Approved: December, 1988

*List applicable LUPs (e.g., Resource Management Plans or applicable amendments)

**List applicable activity, project, management, water quality restoration, or program plans.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision:

- Adopt the oil and gas category system...which will protect critical wildlife habitat, watersheds, and recreational use (Grand RMP, page 27).

C. Identify applicable NEPA document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Oil and Gas Environmental Analysis Record, 1976

Draft Environmental Impact Statement (EIS), Grand Resource Area (March, 1983); this is part of the

RMP.

Final Environmental Impact Statement (EIS), Grand Resource Area (December, 1983); this is part of the RMP.

Grand Resource Area RMP (July, 1985).

Oil & Gas Supplemental EA # UT-060-89-025 (December, 1988).

Relevance and Importance Evaluations of ACEC Nominations, August 2, 2004

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring reports):

Draft Programmatic T&E Species BAs (See Wildlife/TES Report)

An eligibility study for the National Wild and Scenic River System, August 2004

Potential Fossil Yield Classification Map, BLM, USO, 2006

Staff reviews were completed and are documented in the Interdisciplinary Team Review Record, and Staff Reports identified below.

<u>Staff Review</u>	<u>Date Completed</u>	<u>Final Revision</u>	<u>Specialist</u>
Cultural Resources	08-29-06		Donna Turnipseed
Wilderness	No Issues		Bill Stevens
Wildlife	08-16-06		Pam Riddle
Lands	08-31-06		Marie McGann
VRM	No Issues		Rob Sweeten
ACEC's	08-14-06		Katie Stevens
Wild and Scenic Rivers	08-18-06		Marilyn Peterson
Paleontology	08-29-06		Donna Turnipseed
Riparian	08-28-06		Daryl Trotter

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Yes for all parcels:

Documentation of answer and explanation:

The current proposed action is substantially the same action as previously analyzed in the RMP. The parcels recommended for lease sale are located within a large area specifically analyzed in the RMP (see, for example, p. 17-19, 21, 23-26, 28, 30, 31).

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes for all parcels:

Documentation of answer and explanation:

A range of alternatives from Full Production to No Action was analyzed in the EIS; Alternative C (Limited Protection), was selected as the RMP Decision; Part A of the Oil and Gas Supplemental EA, which described

the level of oil and gas exploration and development in the Moab Field Office, also still applies. The BLM analyzed one alternative not to allow leasing, as documented in the 1976 Environmental Analysis Record (EAR) for oil and gas leasing.

3. Is the existing analysis adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition (PFC) reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Yes for parcels:

UT1106 – 276*, 297*, 298, 309, 311, 312, 313, 314, 315*, 316, 330, 331*, 332, 333, 334, and 335*.

*** means parcel is partially deferred.**

Documentation of answer and explanation:

A review of the proposed action has been completed and is documented in the Interdisciplinary Team Analysis Record. Significant new information or a significant change in circumstances has not been identified by the BLM resource specialists; however, new information, none of which is significant is described below.

Paleontology

Paleontology concerns were addressed in a staff report that outlines high potential fossil areas based primarily on geologic formations. The information presented in these maps is new information and is referenced in section C above. Paleontology values can be protected at the leasing stage by inserting the appropriate lease notice.

ACEC's

On August 2, 2004, as part of the Moab RMP revision process, the MFO Manager signed the "Relevance and Importance Evaluation of Area of Critical Environmental Concern (ACEC) Nominations."

Parcels 316, 332 and 333 are located in the Cisco White Tailed Prairie Dog Complex Potential Area of Critical Environmental Concern, proposed in one or more alternatives of the draft Moab Field Office Resource Management Plan. The relevance and importance evaluation of this ACEC were determined on August 2, 2004 (see "Relevance and Importance Evaluations of Area of Critical Environmental Concern (ACEC) Nominations"), with wildlife (white tailed prairie dogs) being the relevant and important value. The fact that wildlife is relevant and important within a potential ACEC is new information. However, white tailed prairie dogs have been addressed through lease notices developed to protect sensitive species and their habitat. Thus, these lease notices developed by the BLM are adequate in regards to this relevant and important value, and although this is new information, it is not significant new information. Wildlife is addressed in the 1988 O&G Supplemental Environmental Assessment and in the 1985 Grand Resource Area RMP. The lease notice attached to the above-listed parcels (See Item F of this DNA) would conserve the habitat of the white tailed prairie dog by identifying the need to require modifications of the surface use plan of operations. With the addition of this lease notice, and application of standard operating procedures, Best Management Practices (BMPs) and the ability to move proposed surface disturbing activities pursuant to 43 CFR 3101.1-2, the relevant and important value identified for this Potential ACEC can be adequately protected, and consideration of the area for ACEC designation in the ongoing Moab Plan Revision would not be compromised.

Cultural Resources and Native American Consultation

The cultural resources review and Native American consultation completed for this sale have not provided any new information or changed circumstances. Although compliance with Section 304 of the National Historic Preservation Act (NHPA) of 1966, as amended, prohibits disclosure of the description, location, and or land ownership of archaeological remains to the general public, the Moab Field Office Class I Inventory Report for the preliminary May Oil and Gas lease parcels adequately summarizes the presence and absence of archaeological inventories and archaeological sites located on each parcel.

On August 30, 2006, certified consultation letters were sent to the following Tribes: Zuni, Ute Indian Tribe, Hopi Tribe, Ute Mountain Ute Tribe, the Navajo Nation, Pueblo of Santa Clara, Pueblo of Zia, Pueblo of Laguna, Paiute Indian Tribe of Utah, and the Navajo Commission. The letter requested comments to be provided to the MFO within 30 days. Responses were received from the Paiute Indian Tribe of Utah and the Laguna Tribe of New Mexico. There were no objections. Consultation is complete if tribal response presents no objections or if response is not received seven (7) days prior to the date of the proposed sale. Additional consultation will be conducted should site-specific use authorization requests for a lease be received.

The potential for oil and gas development does not affect any known National Register eligible properties. The Moab Field Office submitted a request for concurrence to the Utah State Historic Preservation Office. A concurrence reply was received on September 5, 2006 (see attached)

Wildlife

Federally Listed Threatened Species and Utah Sensitive Species

New information and circumstances concerning Federally Listed Threatened Species have developed since the 1985 RMP. The Moab Field Office has identified 16 parcels that have potential habitat for listed threatened or endangered species or their habitat. A determination that the proposed action "may affect, but is not likely to adversely affect" Mexican spotted owls, Southwestern willow flycatchers and Bald eagles was submitted to the U.S. Fish and Wildlife Service (USFWS). The USFWS concurs with this determination. Lease notices (see section F) have been prepared to inform the lessee that these species and their habitat may be present on these leased lands. These species are: Mexican Spotted Owl, parcels 276, 297, 298, 309, 311, 312, 313, 314, 315, 331, and 335. Southwestern Willow Flycatcher, parcels 276, 297, 298, and 316. Bald Eagle, parcels 298, 312, 313, 315, 331, 332, 333, 334, and 335. This new information is not considered significant since compliance with the Endangered Species Act would afford protection for these species and their habitats.

Utah Sensitive Species including the Golden Eagle, White Tailed Prairie Dog, Ferruginous Hawk, and Burrowing Owl when present on the above listed parcels would be afforded protection by application of measures identified in species specific lease notices (See Section F) and application of standard operating procedures, Best Management Practices (BMPs) and the ability to move proposed surface disturbing activities pursuant to 43 CFR 3101.1-2,

New information indicates that deer and elk crucial winter range is currently located on lands within parcels 276, 310, 311, 312, 313, 314, and 330. These parcels already contain a watershed timing stipulation (UT-S-11) that precludes activity during winter months to reduce watershed damage. By precluding winter activity, deer and elk crucial winter range is also protected during winter utilization, thus, this crucial habitat is adequately protected during the critical utilization period. A crucial big game habitat lease notice was also added to the parcels.

Summary of New information and/or Circumstances

There is no new information or circumstances that would render the existing environmental analysis inadequate at this time. The new information and/or circumstances described in this document are not considered significant with regard to the analysis in the existing record.

NO for parcels:

UT1106 – 276*, 296, 297*, 315*, 317, 318, 331*, and 335*.

*** means parcel is partially deferred.**

Documentation of answer and explanation:

Wildlife

Parcels deferred for big game crucial winter habitat include all or portions of UT1106- 296, 297, 315, 317, 318, 331 and 335. New information indicates that deer and elk winter range is located on these parcels and this winter range habitat was not identified in the 1985 Grand RMP.

Wild and Scenic Rivers

The 1985 Grand Resource Management Plan addressed Wild and Scenic Rivers with the following statement: “continued management of 65 miles of the Colorado and Dolores river study corridors as required under the Wild and Scenic Rivers Act;” Segment 4, that portion of the Colorado River between the confluence with the Dolores River to river mile 49 near the Potash Mine, was not addressed as part of the river study corridor listed in the plan.

An eligibility study for the National Wild and Scenic Rivers System was completed August, 2004. The Bureau of Land Management (BLM) is required to protect the outstandingly remarkable values, and free-flowing character of the river segments found to be eligible in this study. The BLM manual 8351 part 32 C states: “...protective management shall be initiated by the authorized officer (Area/District Manager) as soon as eligibility is determined.” Portions of parcel 276, SWSW of Sec. 1 and the NWNW, SENW, NWSE of Sec. 12 could be eligible for protection, and these lands are deferred until a final decision is made on the Wild and Scenic River status.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes for all parcels:

Documentation of answer and explanation:

The methodology and approach used in the 1985 RMP/EIS are still appropriate for the current proposal to lease because the methods of extraction, and the land requirements for exploration and development, and their potential impacts, have not changed substantially since 1985. The basic analysis assumptions included in the RMP/EIS are still applicable to the current proposal to lease these tracts for oil and gas exploration and development.

The 1988 Supplemental EA evaluates oil and gas leasing as directed and allowed under the 1985 Grand Resource Area RMP. In the EA and RMP, oil and gas leasing categories are designated for lands in the Resource Area. In the 1988 EA, a reasonable foreseeable development (RFD) scenario was analyzed for oil and gas exploration and development. The RFD estimated that a total of 248 wells would be drilled from 1989-95, which includes the lands encompassed by these parcels. Thus, the average number of wells drilled in any one year would be 248 divided by 6, or roughly 41 per year. The actual numbers of wells permitted in Grand County have turned out to be much fewer than projected. For example, only 33 wells were permitted from 1998-2002, for an average of less than seven per year, much lower than projected in the 1988 EA.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Do the existing NEPA documents analyze impacts related to the current proposed action at a level of specificity appropriate to the proposal (plan level, programmatic level, project level)?

Yes for parcels:

UT1106 – 276*, 297*, 298, 309, 311, 312, 313, 314, 315*, 316, 330, 331*, 332, 333, 334, and 335*.

*** means parcel is partially deferred.**

Documentation of answer and explanation:

The RMP/EIS and the Oil and Gas Supplemental EA analyzed potential impacts from oil and gas leasing within the Grand Resource Area. Reasonably foreseeable impacts of exploration and development were analyzed, taking into account the known and inferred potential for occurrence and discovery of producible quantities of hydrocarbons. Possible mitigation measures are addressed in the EIS and EA. Leasing categories were established to meet management objectives for protecting certain resources/values in particular areas. Leasing the proposed parcels falls within the reasonably foreseeable development analysis for direct and indirect impacts contained in the Oil and Gas Supplemental EA. Such impacts are substantially unchanged from those identified in the existing NEPA documents. Site-specific impacts of leasing these parcels are mitigated by the

stipulations found on p. A-20-21 of the RMP.

NO for parcels:

UT1106 – 276*, 296, 297*, 315*, 317, 318, 331*, and 335*.

*** means parcel is partially deferred.**

Documentation of answer and explanation:

Parcels 296, 297*, 315*, 317, 318, 331*, and 335 are located in crucial deer and elk winter range. Direct and indirect impacts have not been analyzed on the new information. Leasing of these parcels may result in development on these lands during crucial winter range use by elk and deer. Disturbance from development activities may lead to displacement and mortality of these animals attempting to utilize their winter range. Further NEPA analysis is required to determine the consequences of leasing these lands, the effects of oil and gas development on crucial winter range use and the deer and elk herd that resides on these parcels and mitigation measures needed to protect the resources.

Parcel 276* includes river segments found to be eligible for the National Wild and Scenic River System and could be eligible for protection

The standard lease terms and conditions and stipulations specified in the Grand RA RMP are insufficient for leasing these identified parcels at this time. Further NEPA analysis and RMP modification may be required in order to apply appropriate stipulations or make new determinations..

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes for parcels:

UT1106 – 276*, 297*, 298, 309, 311, 312, 313, 314, 315*, 316, 330, 331*, 332, 333, 334, and 335*.

*** means parcel is partially deferred.**

Documentation of answer and explanation:

As discussed in the answers to Items D.4 and D.5, above, the RMP EIS, 1988 EA and RFD addressed reasonable future oil and gas activity, This included analysis of the potential additive and cumulative impacts of oil and gas leasing for up to 248 wells per year in the field office area. Because the reasonably foreseeable level of oil and gas activity analyzed previously is still appropriate and additional connected, cumulative or similar actions are not anticipated to exceed the activity level analyzed, the potential cumulative impacts are substantially unchanged from those analyzed in the RMP EIS and EA.

NO for parcels:

UT1106 – 276*, 296, 297*, 315*, 317, 318, 331*, and 335*.

*** means parcel is partially deferred.**

Documentation of answer and explanation:

Potential effects of oil and gas leasing on wild and scenic rivers, and crucial big game winter range, are not fully analyzed in the RMP/EIS and the Oil and Gas Supplemental EA. Further NEPA analysis may be necessary so that the cumulative impacts to the various resources will be fully understood.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes for all parcels:

Documentation of answer and explanation:

The public involvement and interagency review procedures and findings made through the development of the Grand Resource Area RMP/EIS and Record of Decision and the Oil and Gas Supplemental EA are adequate for the proposed leasing of the parcels listed above. During the development of the RMP (1979 to 1982), news releases, Federal Register Notices and public meetings were held to obtain the public's input on the alternatives and level of development that was being proposed in the RMP. Additionally, information about this lease sale has been posted on the ENBB for public comment, and the NPS, DWR, FWS, and SHPO were all given the opportunity to comment on all parcels listed for the sale.

Responses were received from The Utah State Historic Preservation Office on September 18, 2006, and they concur with the BLM that no historic properties will be affected; The United States Department of the Interior National Park Service met with the BLM on August 25, 2006 to discuss the MFO November lease parcels. In a September 5, 2006 letter to BLM, NPS expressed interest in possible effects of potential subsequent operations on water quality in the Colorado River. BLM sent a response to the NPS letter on September 19, 2006.. The United States Department of the Interior Fish and Wildlife Service concurred with all BLM T&E determinations on September 25, 2006. Two Native American tribes also responded the Pueblo of Laguna and the Paiute Indian Tribe of Utah. Neither tribe had any objections to the offered parcels.

Interdisciplinary Team Analysis: Individuals conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Marie McGann	Land Law Examiner	Oil and gas
Marilyn Peterson	Outdoor Recreation Planner	Wild and Scenic Rivers
Pam Riddle	Wildlife Biologist	Wildlife
Bill Stevens	Outdoor Recreation Planner	Wilderness
Katie Stevens	Outdoor Recreation Planner	Recreation and ACEC's
Daryl Trotter	Environmental Protection Specialist	Vegetation, T&E plants, Riparian
Donna Turnipseed	Archaeologist	Archaeology / Consultation / Paleontology
Rob Sweeten	Landscape Architect	VRM

F. Mitigation Measures:

Cultural – None

Watershed Timing Limitation

Parcels 276, 311, 312, 313, 314, 315, 330, 331 Lots 1-4 of Section 5 Lots 1-4, NENE of Section 18.

UT-S-11 Lease Stipulation

Riparian

Cottonwood Wash- Parcel 316 Lots 2-4, S2NE, NESE of Section 3

UT-S-04 Lease Stipulation

Wilderness – None

Visual – None

Recreation – None

Wild and Scenic Rivers – None

Paleontology –

Parcels 276, 296, 297, 298, 309, 311, 312, 313, 314, 315, 316, 317, 318, 330, 331, 333, 334, and 335.

UT-LN-35 – Lease Notice – Paleontological

Wildlife -

Mexican Spotted Owl – Parcels 276, 297, 298, 309, 311, 312, 313, 314, 315, 331, 335
Endangered Species Act Section 7 Consultation Stipulation (WOIM #2002-174)
Lease Notice T&E-06 Mexican spotted owl

Southwestern Willow Flycatcher – Parcels 276, 297, 298, 316
Endangered Species Act Section 7 Consultation Stipulation (WOIM #2002-174)
Lease Notice T&E-07-Southwestern Willow Flycatcher

Bald Eagle – Parcels 298, 312, 313, 315, 331, 332, 333, 334, 335
Endangered Species Act Section 7 Consultation Stipulation (WOIM #2002-174)
Lease Notice T&E-01-Bald Eagle

Burrowing Owl – Parcels 297, 298, 312, 313, 315, 316, 331, 332, 333, 334, 335
UT-LN-13 - Lease Notice - Burrowing Owl Habitat

Raptor Surveys – Parcels 297, 298, 309, 312, 313, 315, 316, 331, 332, 333, 334, 335
UT-LN-33 - Lease Notice - Raptor Surveys

Golden Eagle - Parcels 333, 334, 335
UT-LN-17 – Lease Notice - Golden Eagle

Golden Eagle – Parcel 331
UT-S-07 – Timing Limitation Stipulation

White Tailed Prairie Dog – Parcels 316, 332, 333
UT-LN-53 – Lease Notice - White Tailed Prairie Dog Habitat

Ferruginous Hawk – Parcels 297, 315, 316, 333, 334, 335
UT-LN-26 – Lease Notice - Ferruginous Hawk Habitat

Antelope Kidding – Parcels 297, 316, 331, 332, 333, 334, 335
UT-LN-05 – Lease Notice Antelope Kidding

Sage Grouse – Parcel 309
UT-LN-61 – Lease Notice Sage Grouse Habitat

Deer / Elk Winter Range – Parcels 276, 311, 312, Sections 23, 24, 26; 313, 314, 330
UT-N-80 – Lease Notice

Existing Unplugged Wells – Parcel 316
UT-LN-55 – Existing Unplugged Well(s)

CONCLUSIONS

Based on the review documented above, I conclude that:

- ☐ This proposal conforms to the applicable land use plan for “Yes” parcels.

Documentation of NEPA Adequacy

- ☐ The existing NEPA documentation fully covers the proposed action and constitutes BLM’s compliance with the requirements of NEPA for “yes” parcels.
- ☐ The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered for “no” parcels.

/s/ Maggie Wyatt

Maggie Wyatt – Field Manager

11/16/2005

Date